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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KALMAN ISAACS, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

ELON MUSK and TESLA, INC.,

Defendants.

Case No. 3:18-cv-04865-EMC

**DECLARATION OF REED R.
KATHREIN IN SUPPORT OF REPLY
MEMORANDUM OF LAW IN
FURTHER SUPPORT OF MOTION
OF JAMES JOHNSON FOR
CONSOLIDATION OF RELATED
CASES, APPOINTMENT AS LEAD
PLAINTIFF, AND APPROVAL OF
HIS SELECTION OF LEAD
COUNSEL**

Date: November 15, 2018
Time: 1:30 p.m.
Courtroom: 5, 17th Floor
Judge: Hon. Edward M. Chen

ORAL ARGUMENT REQUESTED

WILLIAM CHAMBERLAIN, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC. and ELON MUSK,

Case No. 3:18-cv-04876-EMC

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Defendants.
JOHN YEAGER, Individually and on Behalf of All Others Similarly Situated,
Plaintiff,
v.
TESLA, INC. and ELON MUSK,
Defendants.
CARLOS MAIA, Individually and on Behalf of All Others Similarly Situated,
Plaintiff,
v.
TESLA, INC. and ELON R. MUSK,
Defendants.
KEWAL DUA, Individually and on Behalf of All Others Similarly Situated,
Plaintiff,
v.
TESLA, INC. and ELON MUSK,
Defendants.
JOSHUA HORWITZ, Individually and on Behalf of All Others Similarly Situated,
Plaintiff,
v.
TESLA, INC. and ELON R. MUSK
Defendants.

Case No.3:18-cv-04912-EMC

Case No. 3:18-cv-04939-EMC

Case No. 3:18-cv-04948-EMC

Case No. 3:18-cv-05258-EMC

1 ANDREW E. LEFT, Individually and on Behalf
2 of All Others Similarly Situated,

3 Plaintiff,

4 v.

5 TESLA, INC. and ELON R. MUSK,

6 Defendants.

Case No. 3:18-cv-05463-EMC

7 ZHI XING FAN, Individually and on Behalf of
8 All Others Similarly Situated,

9 Plaintiff,

10 v.

11 TESLA, INC. and ELON R. MUSK,

12 Defendants.

Case No. 3:18-cv-05470-EMC

13 SHAHRAM SODEIFI, Individually and on
14 Behalf of All Others Similarly Situated,

15 Plaintiff,

16 v.

17 TESLA, INC., a Delaware corporation, and
18 ELON R. MUSK, an individual,

19 Defendants.

Case No. 3:18-cv-05899-EMC

1 **REED R. KATHREIN** declares the following under the penalties of perjury:

2 1. I am a partner at Hagens Berman Sobol Shapiro LLP. I submit this declaration in
3 further support of the Motion of James Johnson for Consolidation of Related Actions, Appointment
4 as Lead Plaintiff, and Approval of His Selection of Counsel.

5 2. Attached hereto as **Exhibit A** is a true and correct copy of the Declaration Of James
6 Johnson In Support Of Memorandum Of Law In Further Support Of Motion Of James Johnson For
7 Appointment As Lead Plaintiff, And Approval Of His Selection Of Lead Counsel; And In
8 Opposition To Competing Motions (“Johnson Decl.”).

9 3. Attached hereto as **Exhibit B** are separate charts for each movant summarizing the
10 criticisms of each by other movants.

11 4. Attached hereto as **Exhibit C** is a true and correct copy of a printout of Dany David’s
12 LinkedIn Profile page.

13 5. Attached hereto as **Exhibit D** is a true and correct copy of the October 12, 2018
14 Motion to Amend the Order for Appointment of Co-Lead Plaintiffs and Co-Lead Counsel in the
15 derivative action filed in the Delaware Chancery Court, *In re Tesla Motors, Inc. Stockholder Litig.*,
16 C.A. No. 12711-VCS (Del. Ch.) (the “Delaware Tesla Derivative Action”), in which Robbins Geller
17 Rudman & Dowd LLP and Labaton Sucharow LLP’s were appointed as Co-Lead Counsel before
18 Labaton Sucharow LLP was granted its requested for withdrawal on October 19, 2018.

19 6. Attached hereto as **Exhibit E** is a true and correct copy of the March 5, 2018 request
20 to stay the federal derivative action in favor of the “Tesla Derivative Action” filed in the U.S.
21 District Court for the District of Delaware, *In re Tesla Motors, Inc. Stockholder Litig.*, Case No. 17-
22 317-VAC-CJB (the “Federal Tesla Derivative Action”), in which Robbins Geller Rudman & Dowd
23 LLP was appointed as Co-Lead Counsel.

24 7. Attached hereto as **Exhibit F** is a true and correct copy of the May 4, 2018 Joint
25 Status Conference Statement in which Robbins Geller Rudman & Dowd LLP updated the Delaware
26 District Court in the Federal Tesla Derivative Action on the status of the Delaware Tesla Derivative
27 Action.

Executed in Berkeley, CA this 30th day of October, 2018.

/s/ Reed R. Kathrein
Reed R. Kathrein